

Considered

/Anoop Singh/ 10/11/2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gong et al.

Serial No.: 10/605,708

Filed: October 21, 2003

For: CHIMERIC GENE CONSTRUCTS FOR
GENERATION OF FLUORESCENT
TRANSGENIC ORNAMENTAL FISH

Group Art Unit: 1632

Examiner: Singh, Anoop Kumar

Atty. Dkt. No.: GLOF:007USC1

Confirmation No: 2707

DECLARATION OF ZHIYUAN GONG, PH.D.

I, Zhiyuan Gong, hereby declare as follows:

1. I am a co-inventor of the subject disclosed and claimed in the referenced application and I am familiar with the contents of said application. I am currently a professor of Biological Sciences, National University of Singapore, Singapore. I have extensive training and experience in the field of transgenic fish, as evidenced by my attached *curriculum vitae*, a copy of which is attached as Exhibit 1.

2. I understand that the PTO examiner in charge of examining the referenced patent application has rejected the pending claims, taking the position that the specification does not reasonably provide enablement for using any muscle specific promoter other than exemplified muscle specific promoters to obtain stable transgenic fish line suitable for ornamental fish marker showing fluorescence upon exposure to sunlight. I am submitting this declaration disagreeing on the enablement rejection for the following reasons.